

**NUNC PRO TUNC****FILED**

AUG 25 2008

08 AUG 27 AM 9:30

James-Francis: Murphy,  
In Care of Postal Department 234277  
Encinitas, California 92023-4277  
Tel: 760-230-2868  
In Propria Persona

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Deputy

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA  
PLAINTIFF,  
v.  
JAMES FRANCIS MURPHY  
Defendant,

CASE NO. - 08 CR 1196 W

**EXHIBIT 16**

Page 170 of PUBLIC LAW 414  
JUNE 27, 1952.

James-Francis: Murphy  
Third Party Intervener,  
Real Party in Interest,  
Authorized Representative

Magistrate Judge Nita L. Stormes  
August 26, 2008 at 9:30am

Judge Thomas J. Whelan  
September 8, 2008 at 2:00pm and  
September 30, 2008 at 9:00am

Total pages of **EXHIBIT 16** attached- one (1)

James Francis Murphy, AR, appears and presents this exhibit for the court for  
submission into evidence now and/or at trial.

Respectfully submitted August 25, 2008,

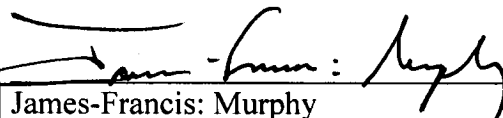
James-Francis: Murphy,  
Authorized Representative

1 **CERTIFICATE OF SERVICE**

2  
3 COPY of the forgoing hand delivered,  
4 This 25 day of August, 2008, to:  
5 U. S. Assistant Attorney Fred Sheppard  
6 880 Front Street Room 6293  
7 San Diego, CA  
8 619-557-5610  
9

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10  
11  
12  
13 Service performed by:

14  
15   
16  
17 James-Francis: Murphy  
18 In Care of Postal Department 234277  
19 Encinitas, California a 92023-4277  
20 Tel: 760-230-2868

(E) an immigrant included within the second proviso to section 349 (a) (1) of title III;

(F) (i) an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of a religious denomination, and whose services are needed by such religious denomination having a bona fide organization in the United States; and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him; or

(G) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided*, That the principal officer of a Foreign Service establishment, in his discretion, shall have recommended the granting of nonquota status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status.

(28) The term "organization" means, but is not limited to, an organization, corporation, company, partnership, association, trust, foundation or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together with joint action on any subject or subjects.

(29) The term "outlying possessions of the United States" means American Samoa and Swains Island.

(30) The term "passport" means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the entry of the bearer into a foreign country.

(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.

(32) The term "quota immigrant" means any immigrant who is not a nonquota immigrant. An alien who is not particularly specified in this Act as a nonquota immigrant or a nonimmigrant shall not be admitted or considered in any manner to be either a nonquota immigrant or a nonimmigrant notwithstanding his relationship to any individual who is so specified or by reason of being excepted from the operation of any other law regulating or forbidding immigration.

(33) The term "residence" means the place of general abode: the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent. Residence shall be considered continuous for the purposes of sections 350 and 352 of title III where there is a continuity of stay but not necessarily an uninterrupted physical presence in a foreign state or states or outside the United States.

(34) The term "Service" means the Immigration and Naturalization Service of the Department of Justice.

(35) The term "spouse," "wife," or "husband" do not include a spouse, wife, or husband by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated.

(36) The term "State" includes (except as used in section 310 (a) of title III) Alaska, Hawaii, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States.

(37) The term "totalitarian party" means an organization which advocates the establishment in the United States of a totalitarian

EXHIBIT